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09/020,057	02/06/98	VASSIGH	A 7376.10

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TM02/0727

EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2164

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07/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

GM

Office Action Summary

Application No.
09/020,057

Applicant(s)

Vassigh et al.

Examiner

Nguyen Nga B

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Feb 6, 1998

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is in response to the communication filed on February 6, 1998 , which papers has been placed of record in the file.
2. Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mergenthaler, U.S. Patent No. 4,779,706.

Regarding to claim 1, Mergenthaler discloses a method of providing security during operation of a self-service checkout terminal, comprising the steps of:

creating a transaction table which includes a plurality of records corresponding respectively to a plurality of items entered into the checkout terminal during a checkout procedure (column 3, lines 27-36);

analyzing the plurality of records (column 3, lines 32-36);

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generating a characteristic value in response to the analyzing step (column 3, lines 36-52);
and

comparing the characteristic value to a characteristic trigger point and generating a characteristic control signal in response thereto (column 3, lines 36-52).

Regarding to claims 2-3, Mergenthaler further discloses updating an electronic log value based on the characteristic control signal; and comparing the log value to a log threshold and generating a personnel signal in response thereto (column 3, lines 36-60).

Regarding to claim 4, Mergenthaler further discloses the analyzing step includes the step of calculating the number of identical records of a respective item contained in the plurality of records, the generating step includes the step of generating an identical item value in response to the calculating step, and the comparing step includes the step of comparing the identical item value to an identical item trigger point and generating an identical item control signal in response thereto (column 3, lines 36-45).

Regarding to claim 5, Mergenthaler further discloses analyzing the plurality of records to determine the average dollar amount of the items contained in the plurality of records (column 4, lines 41-45); generating an average item value in response to the analyzing step (column 4, lines 41-45); comparing the average item value to an average item trigger point and generating an average item control signal in response thereto (column 4, lines 41-45).

Regarding to claim 7, Mergenthaler further discloses the analyzing step includes the step of calculating the number of records contained in the plurality of records corresponding to items

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which were manually entered, the generating step includes the step of generating a manually entered value in response to the calculating step, and the comparing step includes the step of comparing the manually entered value to a manually entered trigger point and generating a manually entered control signal in response thereto (column 3, lines 36-45).

Regarding to claim 15, Mergenthaler further discloses the creating step includes a step selected from the group consisting of: (1) scanning an identification code associated with the item with a scanner device, (2) obtaining a weight associated with the item with a scale and thereafter entering the identification code associated with the item with a data input device, and (3) entering the identification code associated with the item with the data input device (column 3, lines 20-36).

Regarding to claim 16, Mergenthaler discloses a method of providing security during operation of a self-service checkout terminal, comprising the steps of:

creating a transaction table which includes a plurality of records corresponding respectively to a plurality of items entered into the checkout terminal during a checkout procedure (column 4, lines 43-50);

analyzing the plurality of records to determine the number of identical records of a respective item contained in the plurality of records (column 3, lines 37-44);

generating the identical item value in response to the analyzing step (column 3, lines 37-44);

comparing the identical item value to an identical item trigger point and generating an identical item control signal in response thereto (column 3, lines 37-44).

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Regarding to claim 17, Mergenthaler further discloses the steps of: updating an electronic log value based on the identical control signal; and comparing the log value to a log threshold and generating a personal signal in response thereto (column 3, lines 52-60).

Regarding to claim 18, Mergenthaler further discloses the steps of: analyzing the plurality of records to determine the average dollar amount of the items contained in the plurality of records (column 4, lines 41-45); generating an average item value in response to the analyzing step (column 4, lines 41-45); comparing the average item value to an average item trigger point and generating an average item control signal in response thereto (column 4, lines 41-45).

Regarding to claim 19, Mergenthaler discloses a method of providing security during operation of a self-service checkout terminal, comprising the steps of:

creating a transaction table which includes a plurality of records corresponding respectively to a plurality of items entered into the checkout terminal during a checkout procedure (column 4, lines 43-50);

analyzing the plurality of records to determine the average dollar amount of the items contained in the plurality of records (column 4, lines 41-45);

generating an average item value in response to the analyzing step (column 4, lines 41-45);

comparing the average item value to an average item trigger point and generating an average item control signal in response thereto (column 4, lines 41-45).

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Regarding to claim 20, Mergenthaler further discloses the steps of: updating an electronic log value based on the average item control signal; and comparing the log value to a log threshold and generating a personal signal in response thereto (column 3, lines 52-60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mergenthaler, U.S. Patent No. 4,779,706 in view of Official Notice taken by Examiner.

Regarding to claim 6, Mergenthaler does not explicitly teaches calculating, generating, and comparing the common department value to a common department trigger point. Official Notice is taken that this feature is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature in Mergenthaler's for the purpose of generating the items of the common department at the service checkout terminal.

Regarding claim 8, Mergenthaler does not explicitly teaches calculating, generating, and comparing the item voided value to an item voided trigger point. Official Notice is taken that this feature is well known in the art. Therefore, it would have been obvious to one with ordinary skill

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in the art at the time the invention was made to include this feature in Mergenthaler's for the purpose of generating the voided items at the service checkout terminal.

Regarding to claims 9-13, Mergenthaler does not explicitly teaches calculating, generating, and comparing the coupon value to an identical coupon trigger point. Official Notice is taken that this feature is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature in Mergenthaler's for the purpose of generating the coupons at the service checkout terminal.

Regarding to claim 14, Mergenthaler does not explicitly teaches the plurality of records includes a first record and a second record, calculating a time lapse between entry of the first record and entry of the second record, generating an item time lapse value in response to the calculating step, and comparing the item time lapse value to an item time lapse trigger point and generating an item time lapse control signal in response thereto. Official Notice is taken that this feature is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature in Mergenthaler's for the purpose of generating the time elapse between the entry of two records at the service checkout terminal.

Conclusion

7. Claims 1-20 are rejected.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703) 306-2901.

The examiner can normally be reached on Monday-Friday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

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Nga B. Nguyen
July 25, 2001



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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